

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDWARD THOMAS,

Plaintiff,

Case Number: 08-11543

v.

HON. VICTORIA A. ROBERTS

ROBERT L. KACZMAREK, ET AL.,

Defendants.

_____ /

SECOND AMENDED ORDER STRIKING PETITIONER'S MOTIONS

Plaintiff Edward Earl Thomas filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. The Court summarily dismissed the complaint, pursuant to 28 U.S.C. § 1915(e)(2), for failure to state a claim upon which relief may be granted. Now before the Court are the following motions filed by Petitioner: Motion on Fraud, Defraud and Abuse [dkt. # 10], Motion to Amend Demand and Complaint [dkt. #11], Motion on Human and Civil Rights [dkt. #12], Motion on U.S. Federal Zone Violations [dkt. # 13], and Motion of Law or Fact and Bond [dkt. # 14], Motion to Reopen Case/for Reconsideration [Doc.15]. It should be noted that on May 18, 2004, the Honorable David Lawson entered an order enjoining Mr. Thomas from further filings without prior Court approval (Case No. 04-10087 Doc.7). Had this Court been aware of Judge Lawson's order, it would not have considered Thomas' 2008 Complaint on its merits.

Turning attention to the pending motions, in his Motion to Amend Demand and Complaint, Petitioner seeks to amend the relief requested in his complaint and to amend the case caption. Under the Prison Litigation Reform Act of 1995 (PLRA),

Pub.L. No. 104-134, 110 Stat. 1321, § 803(d), 42 U.S.C. § 1997e(a), a prisoner-plaintiff may not amend a complaint that is subject to summary dismissal or that has been summarily dismissed. *McGore v. Wriggelsworth*, 114 F.3d 601 (6th Cir.1997). Further, in light of Judge Lawson's Order, this motion is stricken.

Petitioner's remaining motions, most of which fail to conform to any pleading permitted under the Federal Rules, are confused and largely lacking in any punctuation other than commas, such that each motion reads as one long, rambling sentence.¹ Given that the Court has summarily dismissed Plaintiff's complaint, and in light of Judge Lawson's order, these motions are stricken from the record. Moreover, Plaintiff is advised if he wishes to assert additional allegations regarding the conditions of his confinement, he may not do so in this matter because the matter is no longer pending. He must also seek prior approval before future filings.

Accordingly, **IT IS ORDERED** that Plaintiff's Motions: (1) to Amend Demand and Complaint [dkt. # 11], (2) on Fraud, Defraud and Abuse [dkt. # 10], (3) on Human and Civil Rights [dkt. #12], (4) on U.S. Federal Zone Violations [dkt. # 13], and (5) of Law or Fact and Bond [dkt. # 14] to Reopen Case/for Reconsideration [dkt #15] are **STRICKEN**.

¹ The following excerpt from one of Petitioner's motions illustrates the nature of his pleadings:

I hate a liar and a thief and I am just a lackey with a libido a bad one
biochemical(s), lead poisoning, food poisoning (salts) etc. my body can not take if
I want to live to be 120 years give or take . . .

Petitioner's Motion on U.S. Federal Zone Violations at 1.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: May 29, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on May 29, 2008.

s/Carol A. Pinegar
Deputy Clerk